

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-CV-24299-MORENO/TORRES

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

vs.

AMOR DE JESUS CORP.,
SWEET LIVING FACILITY, INC.,
JOSE MACHADO,
ZELMIRA QUINONEZ, and
AMINTA QUINONEZ,

Defendants.

_____ /

PLAINTIFF'S AMENDED STATEMENT OF CLAIM

Plaintiff, Maria Elena Chavez Letona, pursuant to the Court's Order entered on November 14, 2023 [ECF No. 8], files this Amended Statement of Claim based on the information known to her and estimates as follows:

Preliminary Statement

This Statement of Claim is not be construed as a demand, nor as an exact quantification of her damages, but merely as a case management tool required by the Court. *See Calderon v. Baker Concrete Const., Inc.*, 771 F.3d 807, 811 (11th Cir. 2014) ("That document is an extra-Rules practice used by the district court for its convenience and to aid in case management. It does not have the status of a pleading and it is not an amendment under Rule 15 of the Federal Rules of Civil Procedure.")

Information Requested by the Court

1. Plaintiff does not have all of the time and pay records from her employment at this time, and so she must estimate the hours that worked, the pay that received for those hours, and the corresponding wages due.

2. Plaintiff prepared this Amended Statement of Claim with the assistance of counsel.

Florida Minimum Wage Act Violation

3. Plaintiff estimates that she is owed **\$69,433.99 in minimum wages** due to her under the Florida Minimum Wage Act.

4. Plaintiff calculated the minimum wages owed to her under Florida law, based on her estimate, as follows:

| Dates | Weeks Worked | Minimum Wage | Hours Worked | Proper Pay | Amount Paid | Amount Owed |
|-------------------------------|--------------|--------------|--------------|-------------------|-------------------|-------------|
| Nov. 9, 2020 - Dec. 31, 2020 | 7.6 | \$8.56 | 90 per week | \$770.40 per week | \$400.00 per week | \$2,815.04 |
| Jan. 1, 2021 - Sep. 29, 2021 | 38.9 | \$8.65 | | \$778.50 per week | | \$14,723.65 |
| Sep. 30, 2021 - July 31, 2022 | 43.6 | \$10.00 | | \$900.00 per week | | \$21,800.00 |
| Aug. 1, 2022 - Sep. 29, 2022 | 8.6 | \$10.00 | 89 per week | \$890.00 per week | | \$4,214.00 |
| Sep. 30, 2022 - Aug. 8, 2023 | 44.7 | \$11.00 | | \$979.00 per week | | \$25,881.30 |
| Total: | | | | | | \$69,433.99 |

5. Plaintiff is claiming that she is owed minimum wages under Florida law for time worked between November 9, 2020 and August 8, 2023.

FLSA Minimum Wage Violation

6. Plaintiff estimates that she is owed **\$35,796.83 in minimum wages** due to her under the Fair Labor Standards Act.

7. Plaintiff calculated the minimum wages owed to her under the Fair Labor Standards Act, based on her estimate, as follows:

| Dates | Weeks Worked | Minimum Wage | Hours Worked | Proper Pay | Amount Paid | Amount Owed |
|------------------------------|--------------|--------------|--------------|-------------------|-------------------|-------------|
| Nov. 9, 2020 - Jul. 31, 2022 | 90 | \$7.25 | 90 per week | \$652.50 per week | \$400.00 per week | \$22,725.00 |
| Aug. 1, 2022 - Aug. 8, 2023 | 53.3 | | 89 per week | \$645.25 per week | | \$13,071.83 |
| Total: | | | | | | \$35,796.83 |

8. Plaintiff is claiming that she is owed minimum wages under the Fair Labor Standards Act for time worked between November 9, 2020 and August 8, 2023.

FLSA Overtime Wage Violation

9. Plaintiff estimates that she is owed **\$35,101.90** in **unpaid overtime wages** calculated below based on imputed minimum wage:

| Dates | Weeks Worked | Minimum Wage | Overtime Rate | Overtime Worked | Overtime Paid | Amount Owed |
|-------------------------------|--------------|--------------|---------------|-------------------|---------------|-------------|
| Nov. 9, 2020 - Dec. 31, 2020 | 7.6 | \$8.56 | \$4.28 | 50 hours per week | \$0 per week | \$1,626.40 |
| Jan. 1, 2021 - Sep. 29, 2021 | 38.9 | \$8.65 | \$4.33 | | | \$8,421.85 |
| Sep. 30, 2021 - July 31, 2022 | 43.6 | \$10.00 | \$5.00 | | | \$10,900.00 |
| Aug. 1, 2022 - Sep. 29, 2022 | 8.6 | \$10.00 | \$5.00 | 49 hours per week | | \$2,107.00 |
| Sep. 30, 2022 - Aug. 8, 2023 | 44.7 | \$11.00 | \$5.50 | | | \$12,046.65 |
| Total: | | | | | | \$35,101.90 |

10. Plaintiff is claiming that she is owed overtime wages under the Fair Labor Standards Act for time worked between November 9, 2020, and August 8, 2023.

11. Plaintiff also seeks liquidated damages equal to the above unpaid/underpaid minimum and overtime wages owed to her under the FMWA and FLSA, plus reasonable attorneys' fees and costs pursuant to 29 U.S.C. §216(b).

12. Plaintiff's Statement of Claim is based upon the information currently known and/or available.

13. Plaintiff reserves the right to amend this Statement of Claim based upon additional information provided by Defendants, through discovery, and/or as additional/different information becomes known.

14. This Statement of Claim does not include any computation of for damages other than those sought in the operative/pending Complaint and is subject to revision through the course of discovery and/or the amendment of the Complaint.

15. **Attorneys' Fees and Costs.** As of the filing of this document, Plaintiff has incurred the following attorneys' fees and costs:

| | |
|--|---------------------------|
| Costs: | <u>\$ 3,236.50</u> |
| Attorneys' Fees: | <u>\$50,848.50</u> |
| Brian H. Pollock, Esq. (\$500/hour × 35.7 hours) | <u>\$17,850.00</u> |
| Lunar C. Alvey, Esq. (\$400.00/hour × 4.3 hours) | <u>\$ 1,720.00</u> |
| P. Brooks LaRou, Esq. (\$325.00/hour × 70.4 hours) | <u>\$22,880.00</u> |
| Steffany Sanguino (\$165.00/hour × 50.9 hours) | <u>\$ 8,398.50</u> |
| Grand Total: | <u>\$54,085.00</u> |

The foregoing amounts are subject to increase commensurate with the expenditure of additional time, effort, and expense in this matter.

Respectfully submitted this 14th day of June 2024.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by email this 14th day of June 2024 on Emmanuel Perez, Esq., perez@lawperez.com, LAW OFFICE OF EMMANUEL PEREZ & ASSOCIATES, P.A., 901 Ponce De Leon Boulevard, Suite 101, Coral Gables, Florida 33134, as *Counsel for Defendants*.

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